

1 THE HONORABLE ROBERT S. LASNIK
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10 UNITED STATES DISTRICT COURT
11 FOR THE WESTERN DISTRICT OF WASHINGTON
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13 JOSEPH JEROME WILBUR, a Washington
14 resident; JEREMIAH RAY MOON, a
15 Washington resident; and ANGELA MARIE
16 MONTAGUE, a Washington resident,
17 individually and on behalf of all others
similarly situated,

18 Plaintiffs,

19 v.
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21 CITY OF MOUNT VERNON, a Washington
22 municipal corporation; and CITY OF
23 BURLINGTON, a Washington municipal
corporation,

24 Defendants.

25
26 NO. 2:11-cv-01100 RSL

27 **ORDER GRANTING PLAINTIFFS'
28 MOTION TO ALLOW TWO
29 INCARCERATED WITNESSES TO
30 TESTIFY VIA TELEPHONIC
31 TRANSMISSION**

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33 THIS MATTER came before the undersigned on Plaintiffs' Motion to Allow Two
34 Incarcerated Witnesses to Testify Via Telephonic Transmission. Prior to ruling, the Court
35 considered the following documents and evidence:

36 1. Plaintiffs' Motion to Allow Two Incarcerated Witnesses to Testify Via
37 Telephonic Transmission;
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39 2. Declaration of Toby J. Marshall in Support of Plaintiffs' Motion to Allow Two

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1 Incarcerated Witnesses to Testify Via Telephonic Transmission, and exhibits attached thereto;

2 3. Declaration of Shari Hall;

3 4. Declaration of Kathleen Glennon;

4 5. Defendant's Response to Plaintiffs' Motion to Allow Two Incarcerated

5 Witnesses to Testify Via Telephonic Transmission;

6 6. Defendants' Opposition to Motion for Telephonic Testimony;

7 7. Declaration of Adam L. Rosenberg in Support of Response to Motion for

8 Telephonic Testimony, and exhibits attached thereto

9 8. Supplemental Declaration Exhibits of Adam L. Rosenberg in Support of

10 Response to Motion for Telephonic Testimony, and exhibits attached thereto; and

11 9. Notice of Filing Paper or Physical Materials with the Clerk.

12 Based on its review of these materials, the Court finds good cause in compelling

13 circumstances to allow Steve Osborn and Jacob Norman to provide testimony in open court by

14 contemporaneous telephonic transmission from prison. The Court also finds that appropriate

15 safeguards exist to ensure accurate identification of the witnesses, accurate transmission of

16 their testimony, and avoidance of undue influence by other persons. Accordingly,

17 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiffs' Motion to

18 Allow Two Incarcerated Witnesses to Testify Via Telephonic Transmission is **GRANTED**.

19 **IT IS HEREBY ORDERED** that Steve Osborn and Jacob Norman may testify in open

20 court by contemporaneous telephonic transmission from prison.

21 **IT IS FURTHER ORDERED** that any exhibits to be presented to Washington

22 Corrections Center inmate Jacob Norman (DOC No. 366077) shall be sent via electronic mail

23 to Mr. Norman's counselor, Kathleen Glennon (krglennon@DOC1.WA.GOV), in advance of

24 his testimony and shall not be delivered to Mr. Norman until the start of his testimony on

25 Tuesday, June 4, 2013 at 9:00 a.m.

1 IT IS FURTHER ORDERED that any exhibits to be presented to Washington State
2 Penitentiary inmate Steven Osborn (DOC No. 911502) shall be mailed or hand-delivered
3 directly to the attention of Mr. Osborn's counselor, Jonathan Fischer, or other official specified
4 by the prison, and shall not be delivered to Mr. Osborn until the start of his testimony on
5 Wednesday, June 5, 2013 at 9:00 a.m. The address of the Washington State Penitentiary is
6 1313 N. 13th Avenue, Walla Walla, Washington 99362.

7 IT IS HEREBY ORDERED.

8
9 Dated this 3rd day of June, 2013.

10 
11 Robert S. Lasnik

12 United States District Judge

13 Presented by:

14 TERRELL MARSHALL DAUDT & WILLIE PLLC

16 By: /s/ Toby J. Marshall, WSBA #32726

17 Beth E. Terrell, WSBA #26759
18 Email: bterrell@tmdwlaw.com
19 Toby J. Marshall, WSBA #32726
20 Email: tmarshall@tmdwlaw.com
21 Jennifer Rust Murray, WSBA #36983
22 Email: jmurray@tmdwlaw.com
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23 Darrell W. Scott, WSBA #20241
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25 Matthew J. Zuchetto, WSBA #33404
26 Email: matthewzuchetto@mac.com
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ORDER GRANTING PLAINTIFFS' MOTION TO ALLOW
TWO INCARCERATED WITNESSES TO TESTIFY VIA
TELEPHONIC TRANSMISSION - 3
CASE NO. 2:11-CV-01100 RSL

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ORDER GRANTING PLAINTIFFS' MOTION TO ALLOW
TWO INCARCERATED WITNESSES TO TESTIFY VIA
TELEPHONIC TRANSMISSION - 4
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